

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LARRY J. WALLACE,)
Petitioner,)
v.) No. 4:10-CV-635 CAS
JAMES HURLEY,)
Respondent.)

ORDER

This matter is before the Court on state prisoner Larry J. Wallace's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Lewis M. Blanton for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On August 13, 2013, Judge Blanton filed a Report and Recommendation of United States Magistrate Judge which recommended that Wallace's petition for writ of habeas corpus be denied. No objections were filed to the Magistrate Judge's Report and Recommendation within the time permitted.¹

After careful review of the record, the Court concurs in the recommendation of the Magistrate Judge.

¹The Court notes that the Report and Recommendation was mailed to Mr. Wallace at his place of incarceration, Northeast Correctional Center in Bowling Green, Missouri, on August 13, 2013, but was returned as undeliverable on August 26, 2013, based on petitioner's release from custody during the pendency of this action. On September 3, 2013, the Court directed the Clerk of the Court to mail a copy of the Report and Recommendation to Mr. Wallace at the residence address provided by his state probation officer. That mailing has not been returned to the Court.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 9]

IT IS FURTHER ORDERED that Larry J. Wallace's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 1]

IT IS FURTHER ORDERED that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 24th day of September, 2013.